

**House Health & Human Resources Committee Amendment No. 3**

**AMENDMENT NO.** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**AMEND Senate Bill No. 3176\***

**House Bill No. 3166**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting Section 4(d) in the original bill, as amended by Amendment No. 1, in its entirety and by substituting instead the following:

(d) "Child" means:

(1) A person under eighteen (18) years of age; or

(2) A person under nineteen (19) years of age for the limited purpose of:

(A) remaining under the continuing jurisdiction of the juvenile court to enforce a non-custodial order of disposition entered prior to the person's eighteenth (18th) birthday; or

(B) remaining under the jurisdiction of the juvenile court for the purpose of being committed, or completing commitment including completion of home placement supervision, to the department of children's services with such commitment based on an adjudication of delinquency for an offense that occurred prior to the person's eighteenth (18th) birthday; or

(C) remaining under the jurisdiction of the juvenile court for resolution of delinquent offense(s) committed prior to a person's eighteenth (18th) birthday but considered by the juvenile court after a person's eighteenth (18th) birthday with the court having the option of retaining jurisdiction for adjudication and disposition or transferring the person to criminal court under § 37-1-134.

House Health & Human Resources Committee Amendment No. 3

AMENDMENT NO. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 3176\***

**House Bill No. 3166**

(3) In no event shall a person eighteen (18) years of age or older be committed to or remain in the custody of the department of children's services by virtue of being adjudicated dependent and neglected, unruly, or in need of services pursuant to § 33-3-203 except as provided in Section 76 of this act.

(4) This provision shall in no way be construed as limiting the court's jurisdiction to transfer a person to criminal court under § 37-1-134.

(5) A person eighteen (18) years of age is legally an adult for all other purposes including, but not limited to, enforcement of the court's orders under this subsection through its contempt power under § 37-1-158.

(6) No exception shall be made for a child who may be emancipated by marriage or otherwise.

AND FURTHER AMEND by deleting the amendatory language after the directory language in Section 76 of the original bill and by substituting instead the following:

37-1-\_\_\_. (a) The department of children's services may review the status of any person who has reached the age of eighteen (18) who is in the legal custody of the department and whose last commitment is based on an adjudication of dependent and neglected, unruly, or in need of services under § 33-3-203 to determine if the person should remain in the care of the department in order to complete high school or other educational training or for the purpose of receiving other services. The department may continue to provide services to the person who chooses to remain in the care of the

**House Health & Human Resources Committee Amendment No. 3**

**AMENDMENT NO.** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 3176\***

**House Bill No. 3166**

department on a voluntary basis, subject to funding availability and budgetary constraints.

(b) The department of children's services may review the status of any person who has reached the age of nineteen (19) who is in the legal custody of the department and whose last commitment is based on an adjudication of delinquency to determine if the person should remain in the care of the department in order to complete high school or other educational training or for the purpose of receiving other services. The department may continue to provide services to the person who chooses to remain in the care of the department on a voluntary basis, subject to funding availability and budgetary constraints.

AND FURTHER AMEND by deleting the amendatory language after the directory language in Section 78 and by substituting instead the following:

(3) "Adult" means any person eighteen (18) years of age or older;

(4) "Child" means:

(A) A person under eighteen (18) years of age; or

(B) A person under nineteen (19) years of age for the limited purpose of:

(i) remaining under the continuing jurisdiction of the juvenile court to enforce a non-custodial order of disposition entered prior to the person's eighteenth (18th) birthday; or

(ii) remaining under the jurisdiction of the juvenile court for the purpose of being committed, or completing commitment including

House Health & Human Resources Committee Amendment No. 3

AMENDMENT NO. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 3176\***

**House Bill No. 3166**

completion of home placement supervision, to the department of children's services with such commitment based on an adjudication of delinquency for an offense that occurred prior to the person's eighteenth (18th) birthday; or

(iii) remaining under the jurisdiction of the juvenile court for resolution of delinquent offense(s) committed prior to a person's eighteenth (18th) birthday but considered by the juvenile court after a person's eighteenth (18th) birthday with the court having the option of retaining jurisdiction for adjudication and disposition or transferring the person to criminal court under § 37-1-134.

(C) In no event shall a person eighteen (18) years of age or older be committed to or remain in the custody of the department of children's services by virtue of being adjudicated dependent and neglected, unruly, or in need of services pursuant to §33-3-203 except as provided in Section 76 of this act.

(D) This provision shall in no way be construed as limiting the court's jurisdiction to transfer a person to criminal court under § 37-1-134.

(E) A person eighteen (18) years of age is legally an adult for all other purposes including, but not limited to, enforcement of the court's orders under this subsection through its contempt power under § 37-1-158.

(F) No exception shall be made for a child who may be emancipated by marriage or otherwise.

**House Health & Human Resources Committee Amendment No. 3**

**AMENDMENT NO.** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**AMEND Senate Bill No. 3176\***

**House Bill No. 3166**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

AND FURTHER AMEND by deleting the amendatory language after the directory language in Section 92 and by substituting instead the following language:

Subject to the restrictions of § 37-1-129 (e), commit the child to the department of children's services, which commitment shall not extend past the child's nineteenth (19th) birthday;

AND FURTHER AMEND by deleting Section 99 of the original bill in its entirety.